

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

HEATHER COGAR,

Plaintiff,

v.

Case No: 5:18-cv-52-Oc-30PRL

CITRUS COUNTY SHERIFF'S OFFICE,
JEFF DAWSY, BRYAN HESSE, MIKE
PRENDERGAST and MIKE
PRENDERGAST,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Dkt. 91). In the Report and Recommendation, the Magistrate Judge recommends that Defendants' motion for summary judgment be denied as to Plaintiff's claims for gender discrimination against the Sheriff's Office under Title VII and the Florida Civil Rights Act and that Defendants' motion for summary judgment be granted as to Plaintiff's remaining claims.

The Court notes that only Defendants filed written objections to the Report and Recommendation. (Dkt. 102). Defendants take issue with the facts considered by the Magistrate Judge. The Court notes that the Magistrate Judge viewed the facts in the light most favorable to the non-moving party to reach the conclusion that Defendants' motion for summary judgment should be denied as to Plaintiff's claims for gender discrimination. Of course, it is the jury that will determine the facts in this case.

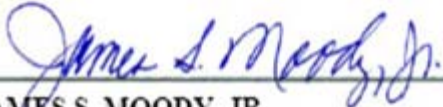
After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. 91) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Defendants' objections (Dkt. 102) are overruled.
3. Defendants' Motion for Summary Judgment (Dkt. 62) is granted as to the following counts:
 - a. Count V (False Arrest and Imprisonment under 42 USC § 1983) against Defendant Mike Prendergrast, as Sheriff of Citrus County;
 - b. Count VI (Malicious Prosecution under 42 USC § 1983) and Count VII (Malicious Prosecution under Florida Law) against Defendants Mike Prendergrast, as Sheriff of Citrus County, and Bryan Hesse, individually;
 - c. Count VIII (Civil Conspiracy under 42 USC § 1983) and Count IX (Civil Conspiracy under Florida Law) against Defendants Mike Prendergrast, as Sheriff of Citrus County, and Bryan Hesse, individually.
4. Defendants' Motion for Summary Judgment (Dkt. 62) is denied as to Count I (Gender Discrimination under 42 USC § 2000e-2) and Count II (Gender

Discrimination under the Florida Civil Rights Act) against Defendant Mike Prendergrast, as Sheriff of Citrus County.

DONE and **ORDERED** in Tampa, Florida, this 6th day of January, 2020.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record